

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BAYERN-INVEST
KAPITALANLAGEGESELLSCHAFT mbH,
Plaintiff(s),

CASE NO. 07 CIV 7775

-against-

VIVENDI, S.A., ET AL.,

Defendant(s).

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)

s.s.:

COUNTY OF NEW YORK)

-X

MARGARET WALKER, being duly sworn, deposes and says that she is an employee of KEATING & WALKER ATTORNEY SERVICE, INC., is over the age of eighteen years and is not a party to the action.

That on the 2nd day of October, 2007, at approximately 11:05 a.m., deponent served a true copy of the SUMMONS IN A CIVIL ACTION and COMPLAINT upon Jean-Marie Messier c/o Messier Partners, LLC at One Rockefeller Plaza, Suite 1502, New York, New York by personally delivering and leaving the same with Franca Efangon, who is a person of suitable age and discretion, at that address, the actual place of business of the defendant.

Franca Efangon is a black female, approximately 25 years of age, is approximately 5 feet and 7 inches tall, weighs approximately 140 pounds, with long black hair and dark eyes.

Sworn to before me this
2nd day of October, 2007


MARGARET WALKER #871624


JOHN J. WALKER
NOTARY PUBLIC, STATE OF NEW YORK
Reg. No. 01-WA-4851557
Qualified in Queens County
Certificate Filed in New York County
Commission expires February 17, 2010

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BAYERN-INVEST
KAPITALANLAGEGESELLSCHAFT mbH,,
Plaintiff,
-against-

VIVENDI, S.A., et al.,
Defendants.

STATE OF NEW YORK)
S.S.:
COUNTY OF NEW YORK)

Case No. 07 CIV 7775
AFFIDAVIT OF SERVICE

JOHN J. WALKER, being duly sworn deposes and says that he is over the age of eighteen, is an employee of KEATING & WALKER ATTORNEY SERVICE, and is not a party to this action.

That on the 13th day of October, 2007, in order to complete the service initiated on 2nd day of October, 2007 by Margaret Walker upon the Defendant, Jean-Marie Messier, deponent served a true copy of the Summons in a Civil and Complaint by enclosing a true copy thereof in a securely sealed and postpaid wrapper with the words "PERSONAL and CONFIDENTIAL" written on the same, and not indicating on the outside that it is from an attorney, and depositing the same into an official depository maintained by the Government of the United States, County of New York and State of New York, addressed as follows:

Jean-Marie Messier
c/o Messier Partners, LLC
One Rockefeller Plaza
Suite 1502
New York, New York 10020

JOHN J. WALKER #847386

Sworn to before me this
13th day of October, 2007.

MICHAEL KEATING
Notary Public, State of New York
Reg. No. 01-KE-4851559
Qualified in New York County
Commission expires February 3, 2010

SAO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

BAYERN-INVEST
KAPITALANLAGEGESELLSCHAFT mbH,

v.
VIVENDI, S.A., JEAN-MARIE MESSIER
and GUILLAUME HANNEZO

SUMMONS IN A CIVIL ACTION

07 CIV 7775
CASE NUMBER

TO: (Name and address of Defendant)

JEAN-MARIE MESSIER

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Stuart M. Grant
James J. Sabella
GRANT & EISENHOFER P.A.
485 Lexington Avenue
29th Floor
New York, NY 10017

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

(By) DEPUTY CLERK

AUG 31 2007

DATE